

Notice of Allowability	Application No. 09/943,827	Applicant(s) CLEVENGER ET AL.
	Examiner Ishwar (I. B.) Patel	Art Unit 2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to amendment filed on November 17, 2003 and interview summary.

2. The allowed claim(s) is/are 1-4,6-10 and 18-22.

3. The drawings filed on 17 November 2003 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413),
Paper No./Mail Date 0403.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mohammad S. Rahman (Reg. 43,029) on March 2, 2004.

The application has been amended as follows: Amend claims 1, 8 and 18 as below.

Claim 1 (Currently Amended): An electrode device comprising electrodes with a plurality of electrode fingers, wherein each electrode finger comprises said device comprising:

a substrate;

a first electrode formed of a first electrode material adjacent to said substrate, wherein said first electrode comprises an upper region and a lower region, wherein said upper region is wider than said lower region; and

a second electrode disposed on top of said upper region of said first electrode and formed of a second electrode material in a region between each of said electrode fingers[[]], wherein a same electrode material as said second electrode material is disposed on top of said first electrode.

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Claim 8 (Currently Amended): An electrode device comprising electrodes with a plurality of electrode fingers, wherein each electrode finger comprises said device comprising:

a substrate;

a first electrode adjacent to said substrate, wherein said first electrode comprises an upper region and a lower region, wherein said upper region is wider than said lower region;

a second electrode disposed on top of said upper region of said first electrode region and in a region in between each of said electrode fingers; and

a plurality of electrical connections;

wherein said upper region upwardly slopes from said lower region;

wherein said first electrode comprises a first conductive material, and said second electrode comprises a second conductive material;

wherein said first and second conductive material are electrically conductive[.]);

and

wherein a same electrode material as said second conductive material is disposed on top of said first electrode.

Currently amended

Claim 18 (Previously Presented): An electrode device comprising electrode electrodes

with fingers, said device comprising:

a substrate;

a first electrode formed of a first electrode material adjacent to said substrate and configured to have an upwardly sloping configuration;

a second electrode formed of a second electrode material aligned over and adjacent to said first electrode and disposed in a region adjacent to a lower portion of said first electrode, wherein a same electrode material as said second electrode material is disposed on top of said first electrode; and

a gap separating said lower portion of said first electrode from said second electrode in said region.

2. The following is an examiner's statement of reasons for allowance:

The claimed invention discloses an electrode device comprising electrode fingers having a first electrode formed of a first electrode material comprising an upper region and a lower region with said upper region wider than said lower region, a second electrode formed of a second electrode material adjacent to the first electrode, wherein the second electrode material is further disposed on the top of said first electrode. This structure is not disclosed by the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ishwar (I. B.) Patel whose telephone number is (571) 272 1933. The examiner can normally be reached on M-F (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272 1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ibp
March 4, 2004



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